

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

UNITED STATES OF AMERICA and THE STATE OF WISCONSIN,	)	
	)	
Plaintiffs,	)	Civil Action No. 10-C-910
	)	
v.	)	Hon. William C. Griesbach
	)	
NCR CORPORATION, <i>et al.</i>	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF RANDALL M. STONE IN SUPPORT OF MOTION TO ENTER  
CONSENT DECREE WITH GEORGIA-PACIFIC CONSUMER PRODUCTS LP**

I, Randall M. Stone, declare as follows:

1. I am a Senior Attorney with the Environmental Enforcement Section of the United States Department of Justice. I have served as counsel for the United States on matters concerning the Lower Fox River and Green Bay Superfund Site since 2000.

2. I was directly and personally involved in negotiating the proposed Consent Decree with Georgia-Pacific Consumer Products LP. The negotiations were conducted at arm's length and they involved multiple face-to-face meetings and multiple telephone conferences over five months between April 2010 and September 2010. The negotiation participants included experienced environmental counsel and technical representatives for the United States, the State of Wisconsin, and Georgia-Pacific.

3. As part of their settlement calculus, the members of the government's case team considered a technical analysis by a consultant to Georgia-Pacific – LTI LimnoTech ("LTI") –

of the effect that seiche-related flow reversals might have had on PCB deposition from the company's Green Bay West Mill. The government parties did not accept LTI's analysis without scrutiny. When Georgia-Pacific and LTI first presented LTI's technical analysis to the government case team in 2007, the government negotiators were joined by and received advice from a consulting expert on hydrodynamics and sedimentation from the U.S. Army Corps of Engineers' Research and Development Center, Coastal and Hydraulics Laboratory in Vicksburg, Mississippi. The government negotiators concluded that competing experts probably would differ over LTI's analysis, but that LTI's assessment offered a reasonably plausible depiction of the areas where most (but not all) of the PCBs discharged by Georgia-Pacific were deposited.

4. I am attaching the materials referenced below, which are cited in the Plaintiffs' Joint Brief in Support of the Motion to Enter the Consent Decree with Georgia-Pacific Consumer Products LP.

5. Exhibit 1 to this Declaration is a true and correct copy of NCR Corporation's comments on the proposed Consent Decree.

6. Exhibit 2 to this Declaration is a true and correct copy of Appleton Papers Inc.'s comments on the proposed Consent Decree.

7. Exhibit 3 to this Declaration is a true and correct copy of P.H. Glatfelter Company's comments on the proposed Consent Decree.

8. Exhibit 4 to this Declaration is a true and correct copy of Fort Howard Corporation's 1996 narrative response to a government information request.

9. Exhibit 5 to this Declaration is a true and correct copy of Fort Howard wastepaper test results.

10. Exhibit 6 to this Declaration is a true and correct copy of James River Corporation's 1996 narrative response to a government information request.
11. Exhibit 7 to this Declaration is a true and correct copy of a previously-filed Declaration of Paul A. Montney
12. Exhibit 8 to this Declaration is a true and correct copy of a 2000 Administrative Order on Consent with Fort James Corporation and Fort James Operating Company.
13. Exhibit 9 to this Declaration is a true and correct copy of a 2003 Administrative Order on Consent with Fort James Corporation and Fort James Operating Company.
14. Exhibit 10 to this Declaration is a true and correct copy of Georgia-Pacific's written objections to EPA's November 2007 Unilateral Administrative Order ("UAO").
15. Exhibit 11 to this Declaration is a true and correct copy of a cost estimate spreadsheet prepared by The Boldt Company.
16. Exhibit 12 to this Declaration is a true and correct copy of pertinent excerpts from the 2006 Basis of Design Report for the Site.
17. Exhibit 13 to this Declaration is a true and correct copy of a 2010 report by LTI LimnoTech.
18. Exhibit 14 to this Declaration is a true and correct copy of pertinent excerpts from the 2001 National Research Council Report entitled "A Risk-Management Strategy for PCB-Contaminated Sediments."
19. Exhibit 15 to this Declaration is a true and correct copy of a set of Army Corps of Engineers maps concerning Green Bay Harbor navigational dredging work.
20. Exhibit 16 to this Declaration is a true and correct copy of a 1968 Army Corps Study of Alternative Disposal Areas for Green Bay Harbor, Wisconsin.

21. Exhibit 17 to this Declaration is a true and correct copy of pertinent excerpts of three Army Corps reports from March 1975, January 1976, and May 1976.

22. Exhibit 18 to this Declaration is a true and correct copy of U.S. Paper Mills Corp.'s 1998 narrative response to a government information request.

23. Exhibit 19 to this Declaration is a true and correct copy of U.S. Paper Mills Corp.'s 2007 narrative response to a government information request.

24. Exhibit 20 to this Declaration is a true and correct copy of pertinent excerpts of the March 12, 2009 deposition of Tom Van Deurzen

25. Exhibit 21 to this Declaration is a true and correct copy of pertinent excerpts of the April 23, 2009 deposition of Bernard A. Merline.

26. Exhibit 22 to this Declaration is a true and correct copy of several documents referencing paper grade specifications used by a Fort Howard Corporation subsidiary.

27. Exhibit 23 to this Declaration is a true and correct copy of pertinent excerpts of an expert report that Moore & Associates prepared for NCR Corp.

28. Exhibit 24 to this Declaration is a true and correct copy of a 1999 WDNR Report entitled "Technical Memorandum 2d – Compilation and Estimation of Historical Discharges of Total Suspended Solids and Polychlorinated Biphenyls from Lower Fox River Point Sources."

29. Exhibit 25 to this Declaration is a true and correct copy of a July 26, 2010 letter concerning UAO oversight costs sent on behalf of NCR Corp. and Appleton Papers Inc.

Declaration of Randall M. Stone in Support of Motion to Enter Consent Decree with Georgia-Pacific Consumer Products LP in *United States and the State of Wisconsin v. NCR Corp., et al.*, Case No. 10-C-910 (E.D. Wis.)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 5, 2011

s/ Randall M. Stone

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this day, the foregoing Declaration was filed electronically with the Clerk of the Court using the Court's Electronic Court Filing System, which sent notification of such filing to the following counsel:

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Dated: January 5, 2011

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